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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JOAN WILSON and)	
PAUL FRANKE, M.D.,)	
)	
Plaintiffs,)	No. 3:16-cv-00195-TMB
)	
vs.)	UNITED STATES' STATEMENT
)	OF INTEREST
ALASKA NATIVE TRIBAL HEALTH)	
CONSORTIUM,)	
)	
Defendants.)	
)	

The United States submits this Statement of Interest pursuant to 28 U.S.C. § 517 in response to a motion to disqualify filed by defendant Alaska Native Tribal Health Consortium (ANTHC), ECF No. 32. In its supporting memorandum, ANTHC asserts that Plaintiff Joan Wilson, who is an attorney, violated the Alaska Rules of Professional Conduct in part because she “represented” the United States in a *qui tam* law suit against her former client. *See* ANTHC Memo. in Support of Mot. to Disqualify at 3, 7-18, ECF No. 33. The United States writes to clarify that

although relators may bring *qui tam* claims on behalf of the United States under the False Claims Act, *see* 31 U.S.C. § 3730(b)(1), relators are not counsel to the United States, *see* 28 U.S.C. § 516 (“Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General.”). Here, Joan Wilson was a relator in a *qui tam* action against ANTHC, but was not counsel to the United States. The United States does not otherwise take a position on the merits of ANTHC’s motion to disqualify.¹

RESPECTFULLY SUBMITTED this 13th day of December, 2018.

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¹In its motion, ANTHC also argues that disqualification is warranted because relators produced attorney-client privileged documents belonging to ANTHC to the United States. ANTHC Memo at 7, 20. The Department of Justice attorney who received these materials sequestered the production without reviewing any privileged documents and asked relator to reproduce only non-privileged materials.

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2018, a true and correct copy of the foregoing was served electronically on the parties via CM/ECF.

/s/ Nicholas C. Perros
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STATEMENT OF INTEREST

Wilson & Franke v. ANTHC, Case No. 3:16-cv-00195-TMB

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